

Docket No.: 050395-0234

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Tooru MORITA, et al.	:	Confirmation Number: 9853
Application No.: 10/684,836	:	Group Art Unit: 1724
Filed: October 15, 2003	:	Examiner: Krishnan S. Menon

For: POROUS MULTILAYERED HOLLOW FIBER AND FILTRATION MODULE, AND
METHOD OF MANUFACTURING POROUS MULTILAYERED HOLLOW FIBER

DECLARATION OF TOORU MORITA UNDER 37 C.F.R. §1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Tooru Morita, declare as follows:

1. I am Tooru Morita named as inventor of this application Serial Number 10/684,836. I am familiar with the prosecution of this application including the statements made by the Examiner throughout prosecution. My curriculum vitae is attached hereto as Exhibit 1.

2. I attended the personal interview with the Examiner on April 5, 2007 and have reviewed the Examiner's comments in the Interview Summary.

3. I understand from the Interview Summary that the Examiner has taken the position that JP-3221095 (hereinafter, "JP '095") discloses a process for making a hollow fiber that would inherently result in a structure within the claimed range, that is, having a mean maximum length of pores in the filtration layer such that (X) and (Y) fall within the range defined by plotting the following 10 points on the XY plane, where (X) is a particle diameter of particles captured when the particle trapping ratio is equal to or more than 90 % in the case where the filtration is done under an elevated pressure of 0.1 MPa, and (Y) is a value designated

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as RFL obtained by dividing (L) by (X), that is, $(Y = L/X)$: (X, Y) = (0.055, 2) (1, 1.5) (2, 1) (5, 0.5) (10, 0.3) (10, 4) (5, 6) (2, 10) (1, 15) (0.055, 25) (hereinafter, "claimed range").

4. I am the sole inventor of JP '095.

5. JP '095 does not describe or enable a process by which a hollow fiber would have a structure within the claimed range.

6. JP '095 discloses only hollow fibers that are outside of the claimed range.

7. I performed tests by which I manufactured two membranes using the method disclosed in JP '095. The following shows the results in relation to the claimed parameters "X", "L" and "RFL":

	"X"	"L"	RFL value
Sample 1	0.1	3.7	37.0
Sample 2	0.1	4.05	40.5

8. The resulting RFL values derived from the method disclosed in JP '095 fall well outside of the claimed range. Photographs of Sample 1 and Sample 2 are attached hereto as Exhibit 2.

9. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Signed this 6th day of June, 2007

Tom Morita

Tooru Morita

EXHIBIT 1

In 1981, I entered the Department of Applied Chemistry, School of Engineering, Osaka University. After completing two years of general course work, I specialized in applied chemistry during my junior year with emphasis in organic chemistry, inorganic chemistry, physical chemistry, analytical chemistry, etc..

In my senior year, I enrolled in a laboratory to research "Selective collection of low concentration metal ions with macro cyclic ligands."

In 1985, I attended Graduate School in Engineering, majoring in process engineering, and continued the research described above. I succeeded in newly synthesizing a cyclic compound containing nitrogen atoms, and found that it was possible to collect metal ions, for example, even in the presence of ions of a plurality of metals, such as copper and nickel, with high selectivity. This resulted in a great improvement in the technique for highly accurate quantification of trace metal ions. I completed the first half of the doctoral course in March, 1987.

In 1987, I joined Sumitomo Electric Industries, Ltd..

In June, 1987, I was assigned to conducting research on elongated porous polytetrafluoroethylene (PTFE) resin products in the Hybrid Products Division. I was in charge of production technology and worked on quality improvement, cost reduction, etc., of separation membrane module tubes, sealant materials, etc..

In 1997, I was placed in charge of the development of ozone gas dissolving modules and production technology development, in particular, by applying separation membrane modules. During this work, a technique was developed and put into commercial use in which a difficult-to-bond fluoro resin tube was sealed with the same fluoro resin (all fluoro resin modules).

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In 2002, I was appointed as technical manager for the porous membrane business centering around the PTFE resins to control project technology and production technology.

During my career, I have been involved in the preparation, filing and successful prosecution of numerous patent applications before the United States Patent and Trademark Office.

Exhibit 2

SAMPLE 1

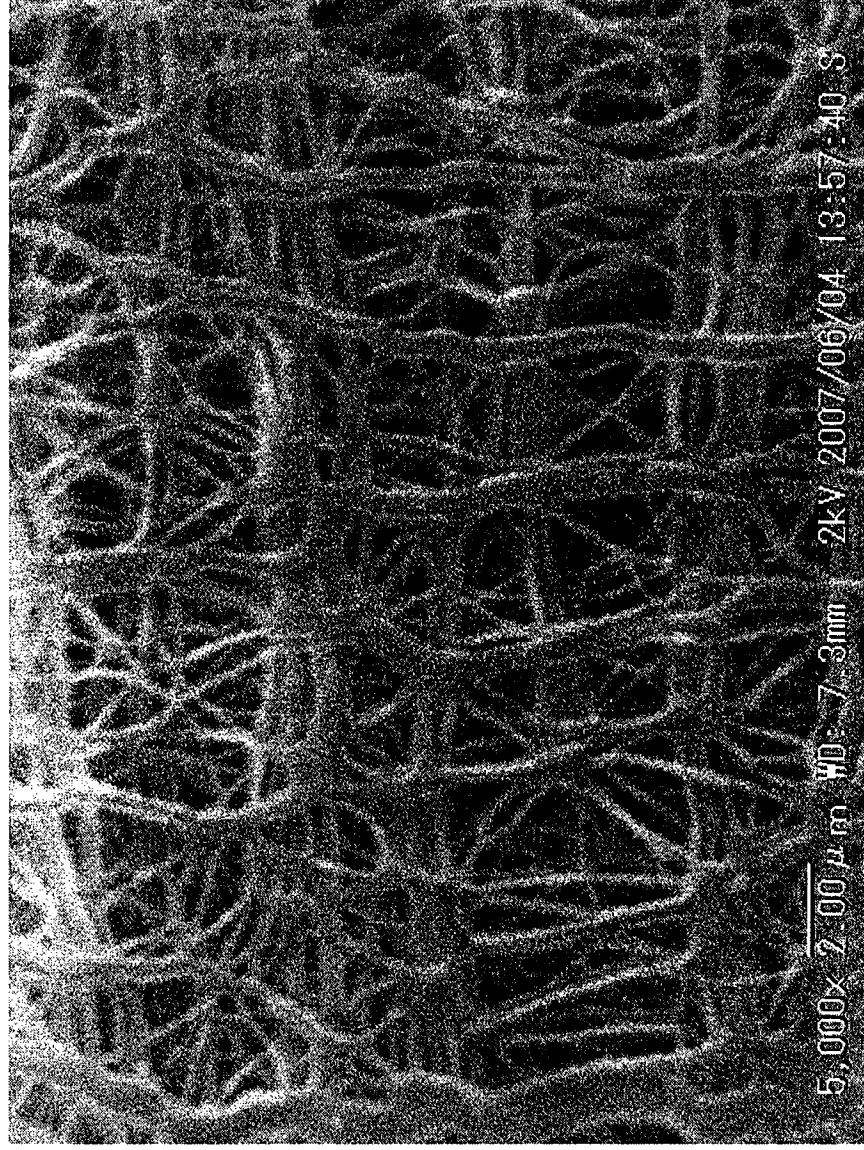


Exhibit 2

SAMPLE 2

